IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 46 OF 2005

Capt. Dattaram Sawant (Retd.)
E-18, Warcha wada,
Kothanbi, Pali,
Bicholim-Goa. .... Petitioner

V e r s u s

1. State of Goa,
   through Chief Secretary, having its
   office at Secretariat, Panaji, Goa.

2. District Magistrate,
   North Goa, Collectorate,
   Panaji-Goa.

3. Director of Transport,
   Junta House,
   Panaji-Goa.

4. The Executive Engineer,
   Government of Goa,
   Division XVIII, (Roads),
   P.W.D. Ponda, Goa.

5. The Police Inspector,
   Bicholim Police Station
   Bicholim-Goa.

6. The Police Inspector,
   Ponda Police Station,
   Ponda-Goa. .... Respondents

Petitioner in person.

Mr. M. B. D'Costa, Advocate General with Shri P. A. Kamat, Government Advocate for the Respondents.

CORAM: **A. P. LAVANDE &**
N.A. BRITTO, JJ.

DATE : **3rd May, 2005.**

O R D E R (Per N.A. BRITTO, J.)

By this Petition, the petitioner, a retired Captain from the Indian Army, has raised serious concern regarding the likely collapse of the Usgao Bridge, which falls within the jurisdiction of the Works Division XVIII (Roads), P.W.D., Ponda.

2. The said bridge is a single lane bridge having a length of about 155 metres and 5 spans of 31 meter each. As per the Notification no.23/68/MAG/(iii)/86, dated 25.07.1986, the District Magistrate had imposed a load restriction of 16 tonnes and speed limit of 20 km.p.h. As per the petitioner, the said restrictions imposed by the District Magistrate are being violated with impunity in as much as at a time more than 10 trucks and buses are allowed to ply over the said bridge. The petitioner has

produced photographs which show that at a time seven trucks are allowed to pass over the bridge.

3. The Chief Engineer, P.W.D., of the Government of Goa, has filed his affidavit in reply and has stated that the Department will submit a proposal for the construction of a new bridge and also a proposal for repairs and reinforcement of the existing bridge. In his affidavit, he has also stated that a joint inspection was conducted on 19.03.2005, and during this said inspection, it was observed that if one vehicle is allowed to ply on bridge at a time for half an hour, then about 465 trucks, 15 private vehicles, two buses were held up in queue towards Usgao side and 165 vehicles were held up in queue on Pali side of the bridge and this queue was about 2.5 kms long and the situation became worse because two vehicles had broken down. He has stated that if one vehicle is allowed to ply at a time, then it will lead to a total chaos as the approach roads towards both the sides are also narrow.

4. The Chief Engineer has suggested that the traffic can be regulated in such a way that one vehicle can cross one span keeping a safe distance of about 40 metres and this distance can be marked with

approximate signs or flags and whenever heavy vehicles are not plying, then light vehicles could ply as normal and this will avoid traffic congestion and, in this manner, traffic could be regulated on the bridge through the Police or Home Guards who are already engaged by his Department through the Police Department.

5. The learned A.G. has placed before us a copy of Notification dated 2.05.05, issued by the District Magistrate. We find that the regulation of the traffic on the bridge comes within the jurisdiction of two Police Stations and for that reason, probably, it is not being controlled effectively. We therefore, direct that the responsibility of regulating the traffic as per the Notification dated 2.05.05, will be that of the Officer in Charge of Bicholim Police Station. We direct the Chief Engineer to submit the plans for repairs and reinforcement as well as for the construction of the new bridge for the approval of the Government as expeditiously as possible and, in any event, within a period of four months from today, so that a new bridge can be constructed before any mishap takes place. On the assurance given by the learned A.G., that the traffic on the bridge would be regulated as per the Notification issued, by the Police Inspector of Bicholim Police Station, we find that nothing survives in this petition.

Hence the same is hereby dismissed. Petitioner to be paid costs of Rs.2,000/- by respondent no.1 within a period of twelve weeks from today.

A. P. LAVANDE, J.

N.A.BRITTO, J.

arp/*